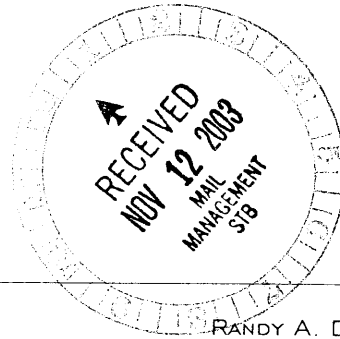




STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001



ET-360
K6

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

October 30, 2003

Diane P. Gerth, Esq.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Re: F-2003-0405
Surface Transportation Board #AB-156 (Sub No. 23X)
Delaware & Hudson Railway Company - Abandonment of Trackage
Hudson River, City of Albany, Albany County
Status of Consistency Review

Dear Ms. Gerth:

The Department of State is required to notify you of the status of our review of this project for its consistency with the New York State Coastal Management Program if a decision has not been issued within three months following commencement of our consistency review.

We cannot complete our consistency review for this project until we coordinate our findings with the involved Federal, State and local agencies.

If you have any questions or need any other assistance regarding this matter, please contact me at (518) 474-3643 or via e-mail at MPollay@dos.state.ny.us.

When communicating with us regarding this matter, please refer to our file #F-2003-0405.

Sincerely,

Marianne Luhrs Pollay, AICP
Coastal Resources Specialist
Consistency Review and Analysis

CC: Surface Transportation Board - V. Williams
NYSDEC/Region 4 - W. Clarke
City of Albany LWRP/D. Casciotti